

IN RE: PETITION FOR ZONING VARIANCE
N/S Neel Avenue, 295' W of
Third Avenue
(108 Neel Avenue)
4th Election District
3rd Councilmanic District
Michael E. Zamecki, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-38-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (garage) to be located in the side yard in lieu of the required rear yard as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Mr. Zamecki, appeared and testified. There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of August, 1988 that the Petition for Zoning Variance to permit an accessory structure (garage) in the side yard in

lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

JRH:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

August 31, 1988



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Michael E. Zamecki
108 Neel Avenue
Reisterstown, Maryland 21136

RE: PETITION FOR ZONING VARIANCE
N/S Neel Avenue, 295' W of Third Avenue
(108 Neel Avenue)
4th Election District - 3rd Councilmanic District
Case No. 89-38-A

Dear Mr. & Mrs. Zamecki:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

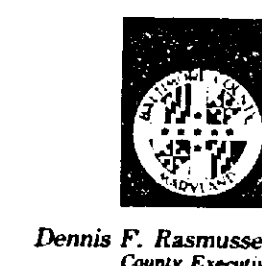
JRH:bjs
cc: People's Counsel

File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-38-A
N/S Neel Avenue, 295' W of Third Avenue
(108 Neel Avenue)
4th Election District - 3rd Councilmanic
Petitioner(s): Michael E. Zamecki, et ux
HEARING SCHEDULED: WEDNESDAY, AUGUST 24, 1988 at 9:00 a.m.

Variance to allow an accessory structure (garage) to be located in the side yard in lieu of the required rear yard.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

89-38-A

District: Hill Date of Posting: August 1, 88
Posted for: Variance
Petitioner: Michael E. Zamecki, et ux
Location of property: N/S of Neel Ave 295' W of Third Ave
(108 Neel Ave)
Location of Sign: On front of 108 Neel Avenue
Remarks:
Posted by: J. Robert Haines Date of return: August 4, 88
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 27, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 27, 1988

TOWSON TIMES,

S. Zebe Orlov

52.20

Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Zoning Variance
Case number: 89-38-A
N/S Neel Avenue, 295' W of Third Avenue
(108 Neel Avenue)
4th Election District - 3rd Councilmanic District
Petitioner(s): Michael E. Zamecki, et ux
HEARING SCHEDULED: WEDNESDAY, AUGUST 24, 1988 at 9:00 a.m.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
1-26 July 27

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Date: August 2, 1988



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Michael E. Zamecki
108 Neel Avenue
Reisterstown, Maryland 21136

Re: Petition for Zoning Variance
CASE NUMBER: 89-38-A
N/S Neel Avenue, 295' W of Third Avenue
(108 Neel Avenue)
4th Election District - 3rd Councilmanic
Petitioner(s): Michael E. Zamecki, et ux
HEARING SCHEDULED: WEDNESDAY, AUGUST 24, 1988 at 9:00 a.m.

Dear Mr. & Mrs. Zamecki:

Please be advised that \$100.25 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND		Sign No. <u>1</u>	
OFFICE OF FINANCE-REVENUE DIVISION		MISCELLANEOUS CASH RECEIPT	
DATE: <u>8/24/88</u>	ACCOUNT: <u>801-611</u>	By yours, <i>Haines</i>	
AMOUNT: <u>\$ 100.25</u>		INES	
RECEIVED: <i>Michael E. Zamecki</i>		ssioner of	
FOR: <i>Posting of the Shikshaim</i>		unt	
B 008*****10025*89-38-A			
VALIDATION OR SIGNATURE OF CASHIER			

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-38-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 To allow an accessory structure (garage) to be located in the side yard in lieu of the required rear yard.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County, the following reasons: (Indicate hardship or practical difficulty)

- Garage behind house hardship 1- too close to septic system drainage field
- 2- requires removal of flowering cherry tree 3- requires excessively long driveway.
- Garage attached to house hardship 1- requires removal of tree and excessive shrubbery 2- requires removal of side porch and replacement with 3- not expensive construction 4- doors facing street not as attractive
- Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	<u>Michael E. Zamecki</u>
Signature	<u>Michael E. Zamecki</u>
Address	<u>108 Neel Avenue</u>
City and State	<u>Reisterstown, Md. 21136</u>
Attorney for Petitioner:	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
(Type or Print Name)	<u>Michael E. Zamecki</u>
Address	<u>108 Neel Avenue Reisterstown, Md. 21136</u>
City and State	<u>Reisterstown, Md. 21136</u>
Attorney's Telephone No.:	<u>833-7344</u>

ORDERED By The Zoning Commissioner of Baltimore County, this 9th day of August, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 24th day of August, 1988, at 9 o'clock a.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

(over)

Beginning on the north side of Neel Avenue, 240 feet wide at the distance of 276 feet west of the center line of Third Avenue. Being lots 116, 17, 18, and 19 section "C" in the subdivision of Goshens, plot book 119, folio 58. Also known as 108 Neel Avenue in the 4th election district.

89-38-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
8th day of June, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner Michael E. Zamecki, et ux
Petitioner's
Attorney _____

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

June 7, 1988

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Re: Property Owner: Zamecki, et ux

Location: N/S Neel Avenue, 295' W. of Third Avenue #108 Neel Ave.

Item No.: 422

Zoning Agenda: Meeting of 6/7/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

(x) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: John F. O'Neill
Planning Group
Special Inspection Division

Noted and
Approved: _____
Fire Prevention Bureau

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 17, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

ooo

MEMBERS
Bureau of
Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial
Development

Mr. & Mrs. Michael E. Zamecki
108 Neel Avenue
Reisterstown, Maryland 21136

RE: Item No. 422 - Case No. 89-38-A
Petitioner: Michael E. Zamecki, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Zamecki:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines Date: July 11, 1988
Zoning Commissioner
FROM: P. David Fields, Director
Office of Planning and Zoning
SUBJECT: Zoning Petitions #89-35-A, 89-37-A, 89-38-A,
89-39-A, 89-40-A, 89-42-A, 89-43-A, 89-44-A,
89-47-A, 89-48-A, 89-49-A, 89-50-A, 89-54-A

There are no comprehensive planning factors requiring comment of the subject petitions.

P. David Fields
P. David Fields, Director
Office of Planning and Zoning

PDF/jat
cc: Shirley Hess, People's Counsel
J. G. Hoswell
Zoning File

RECEIVED
JUL 12 1988

ZONING OFFICE

cc: Mr. & Mrs. Michael C. Zamecki
7-12-88

CPS-008

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

July 5, 1988



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 421, (422) 423, 424, 425, 426, 427, 428, 429 and 430.

Very truly yours,

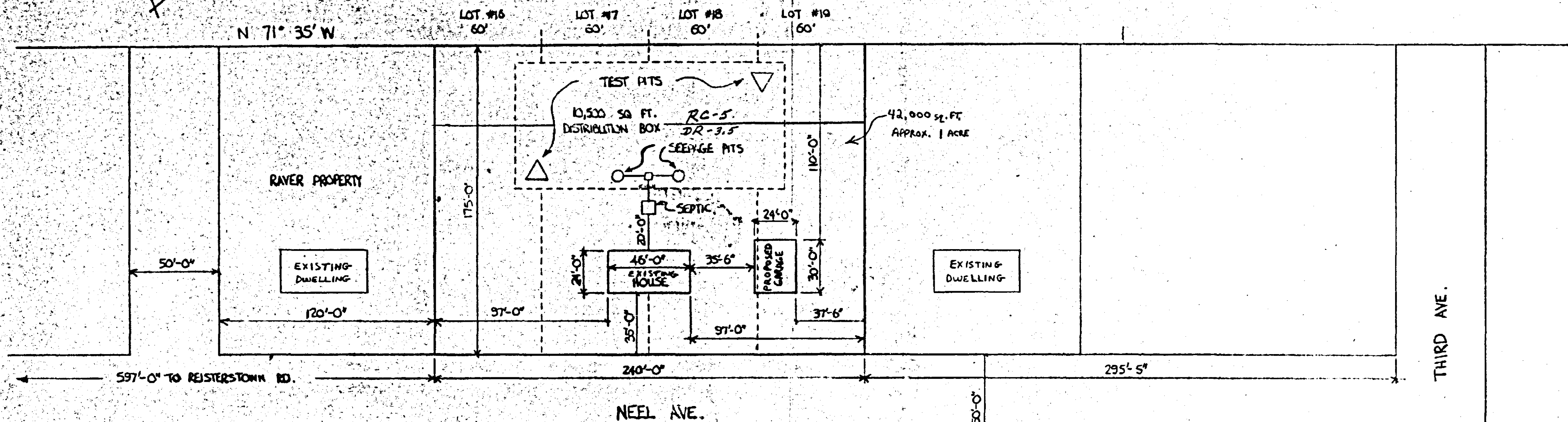
Stephen E. Weber
Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEW/RF/pml-b

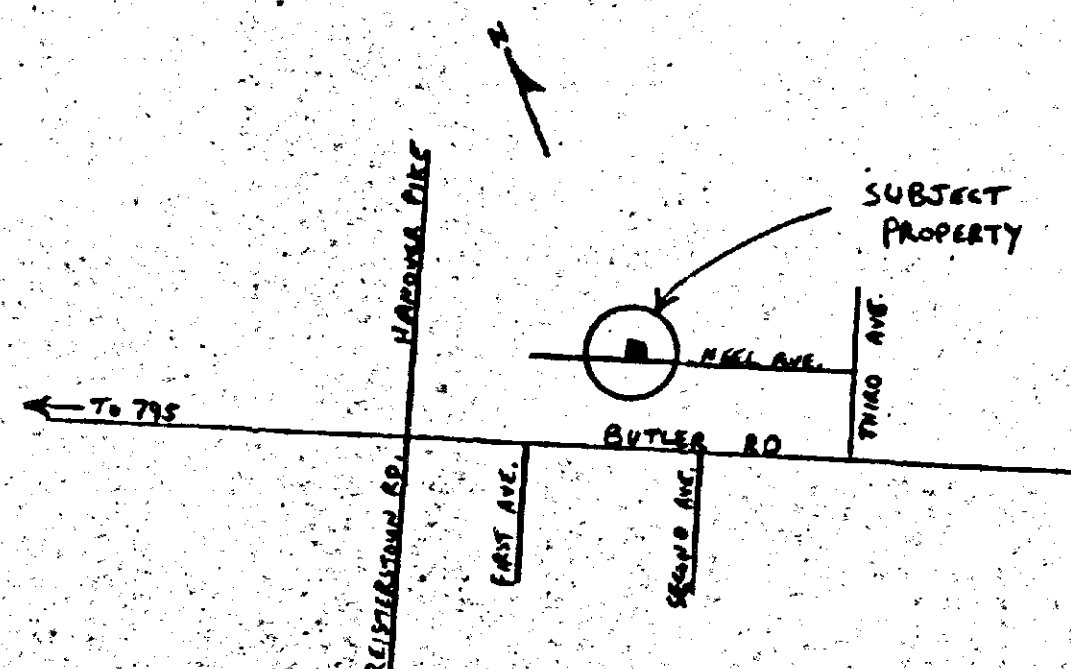
RECEIVED
JUL 11 1988

ZONING OFFICE

GOSHEN NO. 1 SECTION "C"
BALTO. CO. PLOT BOOK 19
FOLIO 58
ELECTION DISTRICT 4



PLOT PLAN 1"=40'



VICINITY MAP
NO SCALE

PETITIONER'S EXHIBIT 1

Plot for a Zoning Variance
Zoning = DR-3.5
Public Water in Neel Ave.

#422

HANOVER POLE BUILDING COMPANY, INC.			
PLOT PLAN			
FOR: MICHAEL & JANET ZAMECKI			
108 NEEL AVE.		REISTERSTOWN, MD 21136	
APPROVED BY		DRAWN BY	
K. LEPPA		K. LEPPA	
DATE		SCALE	
5/3/88		NOTED	
DRAWING NO.			